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10 Attorneys for Plaintiff
11 PATTY BERNE

12 * List of Defendants and their respective counsel listed after the caption.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 PATTY BERNE,
16 Plaintiff,

CASE NO. C10-5335 PJH
Civil Rights

17 v.

18 SKATES ON THE BAY;
19 RESTAURANTS UNLIMITED,
20 INC. dba SKATES ON THE
21 BAY; CITY OF BERKELEY;
22 and DOES 1-10, Inclusive,

23 Defendants.
24
25
26
27
28

**STIPULATION AND PROPOSED
ORDER TO ALLOW PLAINTIFF TO
FILE FIRST AMENDED COMPLAINT**

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SKATES ON THE BAY and RESTAURANTS

7 UNLIMITED, INC. dba SKATES ON THE BAY

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CITY OF BERKELEY

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18 Attorneys for Defendant

CITY OF BERKELEY

19

20 STIPULATION

21 The parties to the above-captioned litigation hereby stipulate by and
22 through their undersigned counsel of record to the following:

23 Defendants agree to allow plaintiff to amend her Complaint to
24 include the allegation, now included in a First Amended Complaint as paragraph
25 7A (replacing the last sentence of ¶ 7 in the original complaint), that plaintiff
26 served a timely government tort claim on defendant City of Berkeley on January
27 21, 2011, regarding the incident of September 27, 2010, and that such claim was
28 deemed denied by operation of law 45 days later, on March 7, 2011. No other

1 changes are proposed. Such a First Amended Complaint is attached to this
2 Stipulation and Proposed Order as **Exhibit A**.

3 Therefore, the parties request that the Court execute the attached
4 Order allowing plaintiff to file her First Amended Complaint that is **Exhibit A** to
5 this Stipulation and Proposed Order.

6 IT IS SO STIPULATED.

7
8 Dated: July 21, 2011

LAW OFFICES OF PAUL L. REIN

9
10 /s/ Paul L. Rein
11 By PAUL L. REIN
12 Attorneys for Plaintiff
PATTY BERNE

13 Dated: July 26, 2011

BERKELEY CITY ATTORNEY

14
15 /s/ Mark J. Zembsch
16 By MARK J. ZEMBSCH
17 Attorneys for Defendant
CITY OF BERKELEY

18 Dated: July 21, 2011

BISHOP BARRY DRATH

19
20 /s/ Peter J. Linn
21 By PETER J. LINN
22 Attorneys for Defendant
CITY OF BERKELEY

23 Dated: July 20, 2011

JACKSON LEWIS LLP

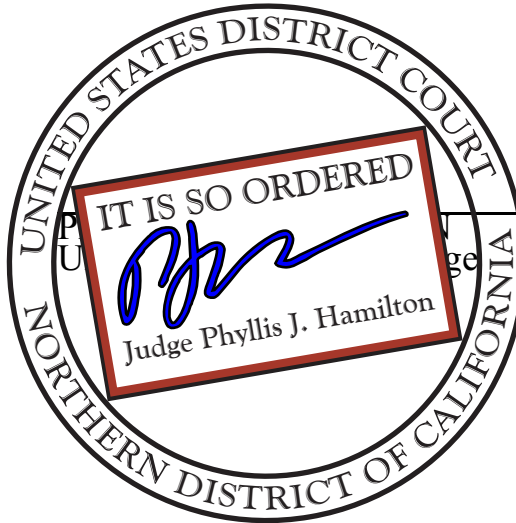
24
25 /s/ Dylan Carp
26 By DYLAN CARP
27 Attorneys for Defendants
28 SKATES ON THE BAY and
RESTAURANTS UNLIMITED, INC. dba
SKATES ON THE BAY

ORDER

Pursuant to the Stipulation of the Parties it is hereby ordered that the attached First Amended Complaint (**Exhibit A**) be filed.

IT IS SO ORDERED.

Dated: July 27, 2011



FILER'S ATTESTATION

Pursuant to General Order 45, section X(B), I hereby attest that on July 20, 2011 my office received the concurrence of Dylan Carp in the filing of this document; on July 21, 2011 we received the concurrence of Peter J. Linn in the filing of this document; and on July 26, 2011, we received the concurrence of Mark J. Zembsch in the filing of this document.

LAW OFFICES OF PAUL L. REIN

/s/ Catherine M. Cabalo
By: Catherine M. Cabalo